

Application No. 09/903,368
Amendment dated May 19, 2003
Reply to Office Action of March 13, 2003

REMARKS

Initially, the applicant's attorney would like to thank the Examiner for the courtesy of a telephone interview conducted on May 19, 2003 to discuss a proposed claim set and the prior art references relied upon by the Examiner during the previous Office Action. Although an agreement as to the allowability of the claims was not arrived upon during the telephone interview, the applicant's undersigned attorney hereby appreciates the availability of the Examiner.

In the final Office Action dated March 17, 2003, the Examiner rejected claims 1-6, 8-14 and 16 under 35 USC §103(a) as being unpatentable over the Payne '062 patent in view of the Rulseh '960 patent. Claims 7 and 15 were rejected under §103(a) as being unpatentable over the Payne and Rulseh references, in further view of the Scalf '540 patent. Claim 17 was rejected under §103(a) as being unpatentable over the Payne and Rulseh references in combination with the Schuder '075 patent. Claim 18 was rejected under §103(a) as being unpatentable over the Payne, Rulseh, Schuder references in combination with the Scalf '540 patent.

In the Office Action, the Examiner indicated that claims 4 and 12 would be allowable if rewritten in independent form including all the limitations of the base claim and any intervening claims. By the present amendment, claims 4 and 12 have been rewritten in independent form and are thus believed to be allowable.

By the present amendment, the claims have been amended to more particularly point out the subject matter of the application that is believed to be allowable. The following arguments for allowance, in combination with the discussion with the Examiner during a telephone interview conducted on May 19, 2003, are believed to point out the allowable features of the invention and passage of the present application to allowance is respectfully requested.

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Claims 1-8

In the Office Action, the Examiner rejected claim 1 as being unpatentable over the Payne '062 patent in view of the Rulseh '960 patent. The Examiner stated that the Payne reference taught all of the features of the invention except for the time base setting increasing non-linearly from a minimum setting to a maximum setting. The applicant hereby disagrees with such finding by the Examiner for the reasons set forth below.

By the present amendment, independent claim 1 has been amended to clearly indicate that the time base dial is movable between a plurality of discrete time base settings such that a user can select between a plurality of durations for the repeating cycle. Further, claim 1 requires a duty cycle dial that is movable between a plurality of discrete duty cycle settings such that the user can select between a plurality of percentages for the duty cycle. Both the duration of the repeating cycle and the percentage of actuation time of the load are independently selectable by the user. Thus, the user is able to independently set the duration of the repeating cycle and the percentage of actuation time of the load during each repeating cycle separately.

In the Payne '062 reference cited by the Examiner, the repeating cycle is set at one second while the movable dial allows the user to select between ten percentage apportionment settings for the division between browning time and microwave time.

As the above arguments indicate, the Payne '062 patent does not teach or suggest, nor render obvious, a time base dial that allows the user to select between a plurality of durations for the repeating cycle by moving the time base dial between a plurality of time base settings, as required by amended independent claim 1. Additionally, none of the other references cited by the Examiner teach or suggest this feature of the invention.

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Dependent claims 2-3, 5-8 depend directly or indirectly from amended independent claim 1 and are thus believed to be allowable for the above reasons as well as in view of the subject matter of each claim.

Claims 9-16

In the Office Action, the Examiner also rejected claim 9 based upon the same combination of references used to reject claim 1. As discussed above, the Examiner stated that the Payne '062 patent taught all of the features of claim 9 except for the non-linear increase of the time base setting from a minimum setting to a maximum setting.

The applicant hereby disagrees with such finding by the Examiner. As discussed above in the arguments for allowance of claim 1, claim 9 has been amended to more specifically state that the time base dial is movable between a plurality of time base settings to set one of a plurality of different durations for the repeating cycle. Further, the duty cycle dial is movable between a plurality of duty cycle settings to set one of a plurality of different percentages of actuation time for the load during each repeating cycle. As required by amended claim 9, the duration of the repeating cycle and the percentage of actuation time are set independently in the timer of the present invention. This feature is not shown or suggested by any of the references cited by the Examiner.

As discussed above, the Payne '062 patent relied upon by the Examiner teaches a system in which the repeating cycle is set at one second and cannot be varied. Claim 9, by contrast, allows both the repeating cycle and the percentage of actuation time during each repeating cycle to be independently adjusted.

Based upon the above arguments, independent claim 9 is believed to be in condition for allowance.

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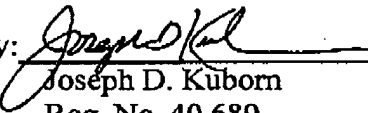
Claims 10-11, 13-16 depend directly or indirectly from claim 9 and are thus believed to be allowable based upon the above arguments for allowance, as well as the subject matter of each claim.

Conclusion

By the present amendment, the applicant has addressed all of the outstanding issues raised by the Examiner in the Office Action of March 7, 2003, and as such claims 1-16 are believed to be in condition for allowance. The applicant hereby requests withdrawal of the rejection of claims 1-16 and passage of the entire application to allowance. The Examiner is invited to contact the applicant's undersigned attorney with any suggestions or comments, or to otherwise facilitate prosecution of the present application to allowance.

Respectfully submitted,

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